Adoption is solely the creature of statutes, and hence, if the provisions of the statute are not strictly complied with, the legal status of the child remains unchanged. PECK, DOMESTIC RELATIONS, § 106; *Woodward's Appeal,* 81 Conn. 152, 165. A mere oral contract to adopt will not, of itself, give the quasi-adopted child the right to inherit from its foster parents. *Grantham* v. *Gossett,* 182 Mo. 651. However, the modern tendency seems to be that, where there is a clear and unambiguous provision that the child shall inherit, equity will give effect to the contract in favor of the foster child. *Wright* v. *Wright,* 99 Mich. 170; *Chehak* v. *Battles,* 133 Iowa 107. Such contracts are taken out of the Statute of Frauds on the ground of the part performance on the part of the child in rendering service to his foster parents. *Wright* v. *Wright, supra; Van Dyne* v. *Vreeland,* 12 N. J. E. 142, 150. As to the rights generally of legally adopted children, see, 18 MICH. L. REV. 542.

TRESPASS—CONTINUING—LIMITATION OF ACTIONS.—Plaintiffs owned a tract of land fronting on a public street. More than six years before this action was commenced, the county, in order to straighten the street, entered and took possession of a strip of the plaintiff's land, filled it in to make it correspond to the grade of the highway, and turned it over to public use. Defendant did not try to justify its act, but relied on the Statute of Limitations as its only defense. *Held,* the instrucion of the court, that the statute was no bar because the trespass was a continuous one, was correct. *Morey* v. *Essex County* (N. J., 1920), 110 Atl. 905.

This decision is in line with the prevailing authority in holding that an obstruction placed wrongfully upon another's land is a continuing trespass as long as it remains there. *Pappenhiem* v. *The Met. El. Ry. Co.,* 128 N. Y. 436; *Milton* v. *Puffer,* 207 Mass. 416; *Holmes* v. *Wilson,* 37 E. C. L. 273. It throws no light, however, upon the untenable distinction, recognized by most courts, between a hole and an obstruction. *Kansas Pac. Ry.* v. *Mihlman,* 17 Kan. 224; *Nat. Copper Co.* v. *Minn. Mining Co.,* 57 Mich. 83. See also the note on "Continuous Trespass," 18 MICH. L. REV. 679. The Court does not even intimate what its decision would have been had this been a ditch or a hole instead of an obstruction.

TRIAL—SWEARING THE JURY AFTER THE EVIDENCE IS IN.—The defendant was indicted for murder. On the trial the jurors were sworn on their *voir dire,* and after twelve jurors were found to be qualified they were accepted by both the defendant and the state. Immediately thereafter the evidence was put in and both sides rested. It was then discovered and made known for the first time that the jury had not been sworn to try the case. Over the defendant's objection the jury was at once sworn to well and truly try the case and a true verdict give, the arguments of counsel were made, and the case was submitted to the jury, who returned a verdict of guilty. Error was assigned on the ground that the defendant had been denied a jury trial because the jury was not under oath when the evidence was presented. *Held,* (two judges dissenting), that the defendant had been denied a jury trial. *Miller* v. *State* (Miss., 1920), 84 So. 161.

Only one other case passing upon this precise question has been found, and strangely enough that was a case before the same court and was decided exactly the other way, though it is not even mentioned in either the majority or minority opinions in the principal case. *Boroum* v. *State* (1913), 105 Miss. 887. In that case it appeared that seven of the jurors had not been sworn to try the case before the jury retired to consider their verdict, but the proper oath was administered before any conference or consultation was held. The court unanimously agreed that inasmuch as the verdict was considered and arrived at after the jurors were sworn, the right of trial by jury was not "in any way denied, impaired or diminished by the delay in swearing the jurors."